

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 400 of 2024

Date of Decision: August 20, 2025

M/s Silver X Projects India Pvt. Ltd., Unit No. 543, Tower B-3,
5th Floor, Spaze 1 Tech Park, Sohna Road, Sector 49
Gurugram

Appellant.

Versus

Haryana Real Estate Regulatory Authority, Gurugram, through
its Administrative Officer (Petitions)-cum-Registrar, new PWD
Guest House, Civil Lines, Gurugram

Respondent

Present : Mr. Sandeep Chaudhary, Advocate for the appellant.
None for the respondent-Authority

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)
(joined through VC)

ORDER:

RAJAN GUPTA, CHAIRMAN:

Challenge in the present appeal is to order dated
06.06.2024, passed by the Secretary of the Authority¹,
operative part whereof reads as under:

*“4. The Authority, in its meeting dated 01.01.2024
decided that compliances by the promoter must be
made without fail within the timeline of conditional
registration failing which the BG/security be
forfeited.*

*5. In the hearing dated 06.06.2024, Sh. Rishi Gupta
(AR) appeared on behalf of the promoter and*

¹ Haryana Real Estate Regulatory Authority, Gurugram

requested condonation of delay. However, it is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of cheque in lieu of submission of the requisite clearances within the time specified in the conditional registration. It was clearly mentioned in the registration certificate that these cheques shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

6. In view of the fact that the promoter has failed to submit the approval of service plans and estimates, and fire scheme within the specified timeline of three months as per the conditions of the registration certificate no. 667/399/2023/11 dated 16.01.2023, the security deposited by the promoter in lieu of the timely submission of the above approvals is hereby forfeited.”

2. Learned counsel for the appellant has assailed the impugned order on several grounds, primarily contending that forfeiture of the security amount of Rs. 25,00,000/- (Rupees Twenty Five Lakh only) by the Secretary is arbitrary and unsustainable in law. It has been submitted that there was no wilful default or deliberate non-compliance on the part of the appellant/promoter. As per him, the impugned order was passed by an officer of the Authority, who was not empowered to pass such order under any provision of the Act². The order was thus, *non-est* and needs to be declared as such.

3. After going through the facts of the appeal and submissions made by learned counsel for the appellant, the question which arises before this Tribunal for adjudication is whether the Secretary was justified in ordering forfeiture of the amount and whether he was vested with any power to pass an order of this nature.

² The Real Estate (Regulation and Development) Act, 2016

4. After perusal of record, it has been noticed that the impugned order has been passed by the Secretary of the Authority. There is nothing on record to show that the Secretary has been vested with powers to pass orders of the nature impugned in the instant case. It is, thus, inexplicable how quasi-judicial powers were exercised by the said officer. The impugned order, thus, appears to be *non est* and is declared as such. The same is set aside.

5. The matter is remitted to the Authority for decision afresh after affording opportunity of hearing to both parties. Appellant is directed to appear before the Authority on 05.09.2025. The Authority shall also be at liberty to examine whether the project is proceeding as per undertaking(s) given at the time of seeking registration. It may also initiate appropriate action in case any violation comes to the notice of the Authority.

6. Appeal is allowed in the aforesaid terms.

7. The copy of this order be sent to parties/Ld. counsel for the parties and the Ld. Authority for compliance.

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

August 20, 2025
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